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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,758	05/31/2001	Donald P. Muller	POU920010073US1	8811

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,758

Applicant(s)

MULLER, DONALD P.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/30/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This final Office action is responsive to Applicant's amendment filed November 30, 2005.

Claims 1, 2, 4, 5, 7, 8, 13, and 19 have been amended.

Claims 1-24 are pending.

2. The previous objections to the drawings and specification are withdrawn in response to Applicant's proposed drawing corrections (which have been approved) and amendment to the specification.

Specification

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (see paragraph 5 of the specification). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Response to Arguments

4. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection, which are necessitated by Applicant's claim amendments.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-11, 13-17, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden (U.S. Patent 6,360,254).

Regarding claims 1, 7, 13, and 19, Linden teaches a system and method for electronic gift certificate and coupon redemption, gift registries, order confirmations, electronic voting (surveys), and electronic greeting cards (see abstract, lines 22-24). The system and method is implemented online and involves the transfer of a unique link (URL, hyperlink) to a user (customer, respondent, voter) that allows secure access to a web site having private information intended for the user. The private information is transferred from a database (Figure 1, item 42) to the web site and the user (customer, respondent, voter) can update this private information. The system and method more specifically includes:

- Data in computer readable file(s) including an e-mail address for each customer (user, respondent, voter) to be surveyed (column 10, lines 7-14; figure 5).
- Placing in a database a list of customers (users, respondents, voters) to be surveyed and their associated e-mail addresses (column 7, lines 1-7).

- Tool (program, module, controller) to send survey form (voter form, customer questionnaire) to Internet server (column 2, lines 26-31; column 6, lines 15-23; Figures 1-2).
- Tool (program, module, controller) to send e-mail to each customer in the database/ list (column 6, lines 47-51) wherein each e-mail contains customer identification (Figure 6 – “To: Erin@aol.com”), and a link to customer database via Internet server (column 2, lines 26-31; column 6, lines 15-23 and 33-35; Figures 1-2).
- Tool (program, module, controller) analyzing completed survey and customer information (column 6, lines 17-21 and 38-44).

Regarding claims 1, 7, 13, and 19, Linden discloses an embodiment in which users who are registered to vote are sent an e-mail document with URLs that may be selected to reflect each user's vote (col. 11, line 64 through col. 12, line 8). In other words, since this step is performed electronically, it is understood that the registered users are part of a compiled list of customers to be surveyed. The records of these customers are extracted in order to glean a proper e-mail address for sending the voting e-mail to each user. Linden does not expressly teach that the list of customers is compiled by extracting records from a problem record tracking database of records which have been closed. However, the phrase “problem record tracking database of records which have been closed” merely serves as a label to describe the database. There is no special structure (beyond a simple database) or functionality attributed to

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“problem record tracking...of records which have been closed.” In other words, the remaining structure and functionality recited in the claims are the same regardless of where the list of customers is obtained from. These differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements; therefore, such differences do not effectively serve to patentably distinguish the claimed invention over the prior art. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106. Nonetheless, Official Notice is taken that it is old and well-known in the art of surveying to request feedback from customers who have filed complaints or have experienced other problems (regarding a past, closed issue) with a company. This allows a company to improve customer relations by attempting to address the complaints or other problems in an efficient and professional manner. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to modify Linden to send surveys to customers selected from a list of customers whose names have been extracted from records from a problem record tracking database of records which have been closed in order to make Linden more versatile by adapting Linden to be useful in a customer relationship

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management environment by attempting to address the past complaints or other problems of customers in an efficient and professional manner.

Regarding claims 2, 8, 14, and 20, Linden teaches a method and online voting (surveying) system comprised of:

- The establishment of a unique URL (column 7, lines 15-18; column 8, lines 13-26).

Regarding claims 3, 9, 15, and 21, Linden teaches a method and online voting (surveying) system comprised of:

- Blocking at least one customer from using the link (hyperlink, URL, Uniform/Universal Resource Locator) after the completed survey (customer questionnaire, voting form) is saved (column 2, lines 31-34 and 56-59; claim 8; column 5, lines 29-31; column 11, lines 64-67).

Regarding claims 4-5, 10-11, 16-17, and 22-23, Linden teaches a system and method for electronic voting (surveys). The invention has a database with e-mails for each user (customer, respondent, voter). It has a tool (program, module, controller) to send the form to the web server where it is accessed via a link sent to the user via e-mail from the tool. Analysis can be performed on the information retrieved from the user on the form to ensure accurate order processing or other functions.

Linden does not expressly teach a system or method that includes:

- A firewall between the database and the Internet server.
- An ability to propagate survey from customer database to a web server through a firewall.
- Propagating completed survey (customer questionnaires, voting forms) and customer information from the web (Internet) server to a replication database (depositor replica) accessible by an application on the customer database side of the firewall.

Official notice is taken that is well known by one of ordinary skill in the art of Internet technology (i.e., e-business, e-commerce and the like) at the time of invention that:

- secure online systems protecting user (customer, respondent, voter) identifying information (postal addresses, e-mail), relationship history (past purchases, past voting histories, marketing preferences, voting preferences, survey responses), financial information (credit card numbers, bank accounts) would be protected by firewalls to prevent unauthorized access and data tampering, but would allow authorized information to pass between computers through firewalls as instructed by an application (controller, module, tool, subroutine)... as evidenced by Buhle (2000).
- replication databases are used when it is impractical to use a centralized repository of data from the perspective of performance, security, availability, etc.... as evidenced by Orfali (1999).

It would be obvious to one of ordinary skill in the art at the time of invention to modify the system and method for electronic voting (surveys) to:

- Include a firewall between the internet server and databases that allows authorized information to pass for the advantages of security.
- Include a replication database that is accessible from an application to accept completed surveys for the advantage of performance, security, and availability.

7. Claims 6, 12, 18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden as applied to claims 1-5, 7-11, 13-17, and 19-23 above in view of Peters (U.S. Patent 5,893,098).

Regarding claims 6, 12, 18, 24, Linden teaches a system and method for electronic voting (surveys). The invention has a database with e-mails for each user (customer, respondent, voter). It has a tool (program, module, controller) to send the form to the web server where it is accessed via a link sent to the user via e-mail from the tool. Analysis can be performed on the information retrieved from the user on the form to ensure accurate order processing or other functions.

Linden does not expressly teach a system or method that includes:

- An application that analyzes the survey results and customer information to prepare reports that are stored on a customer database.

- An application that transfer survey information from a replication database to a customer database.

Peters teaches a system and method for obtaining and collating survey information from a plurality of computer uses. The system and method comprises:

- An application that analyzes the survey results and customer information to prepare results stores information on a database (column 3, lines 28-41 and 51-54; column 4, lines 20-27).

It old and well known by a person of ordinary skill in the art of information technology that information can be transferred between a replication database (depositor replica) and another database... as evidenced by Orfali (1999).

Linden and Peters are in the analogous art of Internet technology (i.e., e-business, e-commerce and the like). It would be obvious to one of ordinary skill at the time of invention to combine the teachings of Linden and Peters to create a system and method for distributing survey forms to users (customers, respondents, voters) via an e-mail with a link to the survey form, saving the results securely in a replication database on the secure side of a firewall and using an application to create reports that are stored on the customer database for the advantage of understanding the survey responses.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susanna M. Diaz
Primary Examiner
Art Unit 3623

January 20, 2006